

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DALE A. GUILFOIL, )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) Civ. Action No. 06-493-CFC  
                        )  
JAMES SCARBOROUGH, )  
                        )  
Defendants.          )

**ORDER**

WHEREAS, the plaintiff Dale A. Guilfoil ("Guilfoil"), was a prisoner incarcerated at the Delaware Correctional Center (now the James T. Vaughn Correctional Center) in Smyrna, Delaware, at the time he filed this lawsuit pursuant to 42 U.S.C. § 1983, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, this matter was stayed on March 2, 2106 (D.I. 111);

WHEREAS, on August 17, 2006, the court entered an order and granted Guilfoil leave to proceed *in forma pauperis*, and assessed a filing fee of \$350.00, as well as an initial partial filing fee of \$1.01 (D.I. 4);

WHEREAS, on October 15, 2018, the court was advised that Guilfoil had been released from prison (see Civ. No. 16-363-CFC at D.I. 57);

WHEREAS, prior to his release, Guilfoil paid the \$1.01 initial partial filing fee;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the

trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); see also *Drayer v. Attorney General*, 81 F. App'x 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 21<sup>st</sup> day of October, 2018, IT IS HEREBY ORDERED that:

1. The stay is **lifted**.
2. Within **twenty-one days** from the date of this order, Guilfoil shall either file a standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed without prepayment of the balance of the \$350.00 filing fee or pay the balance of the filing fee owed (i.e., \$348.99.)

**NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.**

  
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UNITED STATES DISTRICT JUDGE